IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 255 OF 2006

Mrs.Sulbha Sidheshwar Halkude .. Petitioner

versus

Shri Sudhakar Kashinath Shinde & ors.. Respondents

...

Mr.S.G. Kudle for the petitioner.

Mr.V.B. Naik for respondent no.1.

Respondent no. 2 present in person.

CORAM : D.G. KARNIK, J

DATED : 1st September 2006

P.C.:

1. Heard learned counsel for the petitioner and respondent no.1. Respondent no.2 is present in person.

2. By an order dated 6th December 2005, this Court directed respondent no.1 to submit a proposal for

grant of B.Ed scale to the petitoiner w.e.f. June 1978, to the respondent nos.3 and 4 therein i.e. respondent nos.2 and 3 herein. The Court further directed the respondent nos.3 and 4 therein to decide the proposal within four weeks from the date of the receipt of the proposal. According to the petitioner, the proposal was not decided within the specified time and therefore, he has filed the contempt petition on 19th July 2006. Respondent no.2 herein (who was the respondent no.3 in the writ petition) has filed an affidavit in reply in which he has stated that the proposal was sent by respondent no.1 on 9th January 2006. Thus, respondent no.1 has complied with the order and has not committed any contempt of the Court. He has further stated that he decided the proposal granting B.Ed scale to the petitioner w.e.f the year 1978. However, the order was not communicated to the petitioner as the papers were misplaced in the renovation work of the office which was then going on. He has annexed to the affidavit a copy of the communication dated 27th April 2006 which was actually sent on 24th August 2006. This is a possible explanation. I am satisfied that there was no deliberate breach of the order of this Court by the respondent no.2. He has decided the proposal

favourably to the petitioner and has also communicated the same to the petitioner. Though there is some delay in decision and its communication, the delay is satisfactorily explained and no action in contempt needs to be taken against any of the respondents. Hence, contempt petition is disposed of.

(D.G. KARNIK, J)